

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Morris Johnson

Docket No. 278485

LC No. 98-002561-FC

Michael J. Talbot  
Presiding Judge

E. Thomas Fitzgerald

Michael R. Smolenski  
Judges

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The Court orders that the motion for immediate consideration is GRANTED.

The motion to waive fees is GRANTED for this case only.

The motion to amend the delayed application for leave to appeal is GRANTED.

In lieu of granting the delayed application for leave to appeal, the Court orders pursuant to MCR 7.205(D)(2) that the circuit court order denying defendant's motion for relief from judgment is VACATED, and the matter is REMANDED for resentencing. Defendant has presented new evidence that one of the felony convictions underlying the habitual offender supplement has been reduced to a misdemeanor, and that relief is appropriate under MCR 6.502(G)(2). If the evidence supports defendant's assertions, he is to be resentenced as a third offense habitual offender, MCL 769.11. We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

DEC 14 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk